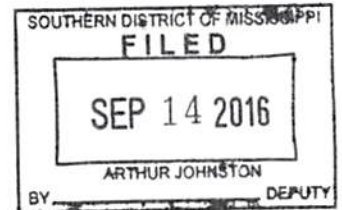


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION



EMMA L. COOLEY

PLAINTIFF

V.

CIVIL ACTION NO.: 3:16cv121 WHB-JLB

CITY OF DIAMONDHEAD, MISSISSIPPI

DEFENDANT

COMPLAINT
JURY TRIAL DEMANDED

COMES NOW, Plaintiff, Emma L. Cooley, and brings this action against her former employer, City of Diamondhead, Mississippi. Plaintiff is seeking monetary, declaratory relief and injunctive relief. As more specifically set forth below, Plaintiff has been subjected to discrimination in the terms and conditions of her employment with Defendant. The actions of the Defendant are in violation of the Americans with Disabilities Act of 1990, as amended.

THE PARTIES

1. Plaintiff, Emma Cooley, is a resident of Hancock County, Mississippi, with an address of P. O. Box 4544, Bay St. Louis, MS 39521.

2. Defendant, City of Diamondhead, Mississippi, may be served through its City Clerk, Jeannie Kleine, at 5000 Diamondhead Circle, Diamondhead, Mississippi 39525.

JURISDICTION

3. This court has federal question and civil rights jurisdiction for actions that arise under the Americans with Disabilities Act of 1990 (ADA).

4. This Court has personal and subject matter jurisdiction over the Defendant

and venue is proper in this Court.

5. Plaintiff timely filed a Charge of Discrimination with the EEOC, a true and correct copy of which is attached as Exhibit "A." On July 14, 2016, the U. S. Department of Justice issued a Dismissal and Notice of Rights, a true and correct copy of which is attached as Exhibit "B." Plaintiff timely files this cause of action within ninety (90) days of receipt of her Dismissal and Notice of Rights.

STATEMENT OF FACTS

6. Plaintiff has worked for Defendant in the Public Works Department as a groundskeeper since August 20, 2014.

7. On July 8, 2015, Plaintiff experienced an on-the-job injury. Plaintiff requested her supervisor, Richard Sullivan to put her on light duty but he denied her request, stating he did not want to be "bothered" with any requests for "light duty."

8. Subsequently, Defendant placed Plaintiff on leave without pay.

9. On August 25, 2015, Plaintiff informed Kristin Ventura, Human Resources Manager, that she had surgery on her wrists on August 17, 2015 and that she was scheduled for a second surgery on September 21, 2015.

10. Plaintiff was denied leave as a reasonable accommodation and was terminated from her employment on August 28, 2015, for allegedly refusing to tell Ms. Ventura in Human Resources exactly when she would be able to return to work.

11. In reality, Plaintiff was terminated because of her disability in violation of the Americans with Disabilities Act (ADA), as amended.

CAUSES OF ACTION

COUNT I - VIOLATION OF THE ADA
FAILURE TO MAKE REASONABLE ACCOMMODATIONS

12. Plaintiff re-alleges and incorporates all averments set forth in paragraphs 1 through 11 above as if fully incorporated herein.

13. The Defendant violated the ADA by arbitrarily refusing to reasonably accommodate the Plaintiff's request for accommodations; i.e., leave, based on her disability.

14. The Defendant violated the ADA by not allowing Plaintiff leave to recover from surgery and by arbitrarily terminating her employment.

15. The unlawful actions of the Defendant complained of above were intentional, malicious, and taken in reckless disregard of the statutory rights of Plaintiff.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, PLAINTIFF RESPECTFULLY PRAYS that the Court cause service to issue in this cause upon the Defendant and that this matter be set for trial. Upon trial by jury thereon, Plaintiff prays that the following relief be granted:


1. Reinstatement or front pay in lieu of reinstatement, back pay, lost benefits, and other pecuniary losses proximately caused by Defendant's unlawful conduct;
2. Compensatory damages against Defendant in an amount to be determined by the jury;
3. Interest;

4. All costs, disbursements, pre-judgment interest, post-judgment interest, expert witness fees and reasonable attorney's fees allowed under the ADA; and
5. Such further relief as is deemed just and proper.

THIS the 13th day of September 2016.

Respectfully submitted,

EMMA L. COOLEY, PLAINTIFF

By: 
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